



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

May 7, 2001

Olsen Brothers
46002 N District Line
Prosser WA 99350

**Re: Emergency Drought Permit re: Olsen Brothers
(G4-32962)**

In accordance with the provisions of RCW 43.83B.405, on March 14, 2001, it was ordered and determined by the Director of the Department of Ecology that the State of Washington is under drought conditions. In accordance with the provisions of WAC 176-166-060, the Department of Ecology is under the terms of this Order, issuing an EMERGENCY DROUGHT PERMIT. The intent of this authorization is to alleviate hardships and reduce the burdens on water users arising from the drought conditions.

THIS AUTHORIZATION SHALL IN NO MANNER BE CONSTRUED TO GUARANTEE OR IMPLY THAT A FINAL (REGULAR) PERMIT WILL ISSUE FOR THE FUTURE USE OF THE FACILITY HEREIN AUTHORIZED.

The Department of Ecology has agreed to fund the cost of the mitigation or offsets for the impacts associated with the drought emergency authorizations. Ecology is attempting to meet the essential irrigation needs of farmers growing orchard crops, grapes and hops where the loss of irrigation water would permanently damage trees and vines. Essential needs have been defined as 75% to 80% of a usual irrigation water duty delivered by the irrigation districts.

This authorization is conditioned by the following provisions and limitations:

The well is an existing well located approximately 1400 feet west and 100 feet south from the E $\frac{1}{4}$ corner of Section 26, being within the N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 26, T. 10 N., R. 26 E.W.M. This permit does not authorize any modification to the existing well.

The instantaneous quantity of water to be withdrawn is limited to 500 gpm based upon the instantaneous quantity requested in the application.

The annual quantity authorized is based on the crop type. The applicant has described the crop type on the land as 208 acres of wine grapes and 102 acres of apples. Based on a supplemental crop duty of 2.0 acre-feet for orchard and 0.7 acre-feet for wine grapes a total of 349.6 acre-feet per year is authorized under this emergency permit.



Water is to be used for supplemental irrigation of 310.8 acres from May 1 to October 31, 2001. The place of use is described as follows:

Parcel A

The E $\frac{1}{2}$ SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ lying easterly of Main Roza Canal, less 2.51 feet for road, in Section 27, T. 10 N., R. 26 E.W.M.

Parcel B

That portion of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ described as follows: Beginning at the southeast corner of said subdivision; thence N 70° W to a portion on the southeasterly right of way line of Roza Main Canal; thence southerly and westerly along said right of way to the south line of said NW $\frac{1}{4}$ SE $\frac{1}{4}$; thence east along said south line to the point of beginning, in Section 27, T. 10 N., R. 26 E.W.M.

Parcel C

The SW $\frac{1}{4}$ and the W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 26, T. 10 N., R. 26 E.W.M.

EXCEPT that portion beginning at the southeast corner of said W $\frac{1}{2}$; thence N 03°56'53" W along the east line of said W $\frac{1}{2}$ a distance of 1252.18 feet to the True Point of Beginning; thence S 86°44'18" W a distance of 715.46 feet; thence N 09°11'19" E a distance of 382.16 feet; thence N 04°09'49" W a distance of 504.31 feet; thence N 35°01'11" W a distance of 504.49 feet to a point on the north line of said SE $\frac{1}{4}$; thence N 84°36'17" E along said north line a distance of 891.11 feet to the northeast corner of said W $\frac{1}{2}$; thence S 03°56'53" E along the east line of said W $\frac{1}{2}$ a distance of 1339.65 feet to the True Point of Beginning.

AND EXCEPT that portion of the SE $\frac{1}{4}$ beginning at the southeast corner of said W $\frac{1}{2}$ being the True Point of Beginning; thence S 86°44'18" W along the south line of said Section a distance of 412.12 feet; thence N 33°36'09" W a distance of 58.62 feet; thence N 61°22'08" W a distance of 94.28 feet; thence N 55°09'47" W a distance of 50.11 feet; thence N 50°42'17" W a distance of 50.18 feet; thence N 45°34'30" W a distance of 31.11 feet; thence N 38°26'41" W a distance of 234.35 feet; thence N 36°30'13" W a distance of 48.68 feet; thence N 32°23'30" W a distance of 50.14 feet; thence N 23°00'29" W a distance of 50.20 feet; thence N 15°54'48" W a distance of 49.37 feet; thence N 06°02'41" W a distance of 40.82 feet; thence N 07°44'44" E a distance of 50.25 feet; thence N 06°31'01" W a distance of 137.19 feet; thence N 09°11'19" E a distance of 476.49 feet; thence N 86°44'18" E a distance of 715.46 feet to a point on the east line of said W $\frac{1}{2}$; thence S 03°56'53" E along said east line a distance of 1252.18 feet to the True Point of Beginning.

AND EXCEPT that portion of Section 26 as described as follows: the southwest corner of said Section 26 being the True Point of Beginning; thence N 10°57'45" W along the west line of said Section a distance of 907.66 feet; thence S 89°07'49" E as distance of 304.96 feet; thence S 49°44'11" E a distance of 1273.55 feet to a point on the south line of said Section 26; thence S 86°42'55" W along said south line a distance of 1105.95 feet to the True Point of Beginning; ALL in Section 26, T. 10 N., R. 26 E.W.M., in Benton County, Washington.

Parcel D

That portion of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, T. 10 N., R. 26 E.W.M., described as follows: Beginning at the northeast corner of said subdivision; thence S 90°00' W along the north line of said subdivision 806 feet to the True Point of Beginning; thence N 90°00' E 188 feet; thence S 0°25' W 291 feet; thence S 89°30' W 141 feet; thence northwesterly 310.5 feet; more or less, to the True Point of Beginning. AND an easement for road purposes over and across presently existing road along the east side of said Section 35.

Parcel E

the W $\frac{1}{2}$ NW $\frac{1}{4}$ and the N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 35, T. 10 N., R. 26 E.W.M., Benton County, Washington; EXCEPT that portion of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ described as follows:

Beginning at the NW corner of said Section 35; thence S 89°53'53" E along the north line of said section a distance of 196.57 feet; thence S 40°37'27" E a distance of 597.87 feet; thence S 88°10'01" W a distance of 586.17 feet to a point on the West line of said Section 35; thence N 00°00'13" E along said West line a distance of 472.88 feet to the point of beginning; AND EXCEPT that portion of the W $\frac{1}{2}$ NW $\frac{1}{4}$ lying Northerly and Easterly of the following described line; Beginning at the Northwest corner of said Section 35; thence S 0°23'46" E along the West line of said Section 35 a distance of 860.83 feet to the True Point of Beginning; thence N 84°58'55" E a distance of 766.55 feet; thence S 66°56'44" E a distance of 150.83 feet; thence S 25°28'53" E a distance of 795.78 feet to a point on the South line of the N $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the terminus of said line.

A suitable flow meter approved by the Department of Ecology shall be installed and maintained in accordance with WAC 508-64-020 through WAC 508-64-040. (Installation, operation and maintenance requirements attached hereto.)

Whenever water is being diverted, bi-weekly (every two weeks) readings of the flow meter shall be recorded and maintained by the permittee. These readings shall be documented by time, date, withdrawal rate, and the person conducting the measurements. Copies of these records shall be submitted to the Department of Ecology at the end of the 2001 irrigation season.

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.

Withdrawal of water under this authorization may be limited or otherwise regulated in favor of senior rights.

This drought emergency authorization expires on October 31.

This Order may be appealed pursuant to RCW Chapter 43.21B. The person to whom this Order is issued must file an appeal with the Pollution Control Hearings Board within thirty (30) days of receipt of this Order. Send the appeal to: Pollution Control Hearings Board, P.O. Box 40903, Olympia, Washington 98504-0903. At the same time, a copy of the appeal must be sent to: Department of Ecology, Fiscal Office, P.O. Box 47615, Olympia, Washington 98504-7615. All others receiving notice of this Order must file an appeal with the Pollution Control Hearings Board within thirty (30) days of the date the Order was mailed in the same manner described above.

Sincerely,



Robert F Barwin
Section Manager, Water Resources Program

DC:gg
010509

Enclosures: Flow Meter Requirements
cc: Yakama Nation



OLSEN BROS.

facsimile transmittal

To:

Phil Crane

Fax:

575-2809

Company:

From:

John Reap

Date:

4/30/01

Re:

Pages:

2

CC:

☐ Urgent☐ For Review☐ Please Comment☐ Please Reply☐ Please Recycle

MESSAGE:

Phil -

Here is the breakdown of
acreage by group.

Thanks


| | | |
|-----------|-------|-------|
| CHARD | #17 | 32.2 |
| MERLOT | #17 | 11.8 |
| MERLOT | #17 | 27.4 |
| MERLOT | #17.5 | 4.7 |
| CHARD | #18 | 42.9 |
| MERLOT | #18 | 11 |
| CAB FRANC | #19 | 15 |
| MERLOT | #19 | 47.1 |
| SYRAH | #20 | 16.6 |
| | | 208.7 |

- Acres of Wine grapes

| | | |
|--|---------------|------|
| | FUJI91&92 | 38.3 |
| | BRAEBURNS | 24.2 |
| | GINGERGOLD | 20.3 |
| | ULTRAREDS | 1.8 |
| | PACIFIC DARIO | 1.6 |
| | PACIFIC SNAKE | 15.8 |
| | | 102 |

- Acres of Apples



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 West Yakima, Suite 200 • Yakima, Washington 98902 • (509) 575-2490

April 9, 2001

Olsen Brothers
46002 N. District Line
Prosser WA 99350

RE: Application for a Drought Emergency Permit – G4-32962

The Department of Ecology received your application for a drought emergency permit on April 6, 2001. Your proposed withdrawal is for the purpose of providing supplemental water to the Roza Irrigation District.

Ecology is working with the USBR and irrigation districts in the valley to develop a response plan to address the essential needs of water users within the districts this year. The plan that is ultimately developed may include the use of drought emergency permits for wells to the extent that emergency transfers cannot meet the essential needs of the water users.

We expect to have an expedited process to issue the transfers and emergency permits and, to the extent necessary, to seek Superior Court approval of the plan. Our collective efforts on this plan in the next several weeks should ensure that water users' essential needs are met and should reduce the likelihood of litigation.

At this time, Ecology is not able to affirmatively conclude that ground water is available for appropriation from the Saddle Mountains and Wanapum aquifers or that water can be taken from these aquifers without detriment or injury to existing water rights. Ecology is declining to issue you an emergency drought permit at this time. However, your application will remain on file and will be activated immediately if the plan that is developed with the help of the irrigation districts includes provisions for new emergency drought wells.

Sincerely,

Robert F. Barwin, Section Manager
Water Resources Program

RFB:gh

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